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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,915	12/19/2001	Nigel Victor Spurr	60,130-1295	5612

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EXAMINER

MELWANI, DINESH

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,915

Applicant(s)

SPURR, NIGEL VICTOR

Examiner

Dinesh N Melwani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10/024,915, filed on 12/19/01.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 12/19/01 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Acknowledgement is made of applicant's submission of:

Change Of Address filed on 09/25/02

The aforementioned item has been noted and officially inserted into the application.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "12" and "14" have both been used to identify the same part as latch and pawl pin, see Fig. 1. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "C" has been used to designate both Pivot C and C post (see page 3, paragraph 16, line 2 and paragraph 19, line 1). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: Page 1, paragraph 3, line 4 contains a spelling error. The examiner suggests replacing "infra red" with --infrared--.

Appropriate correction is required.

6. The disclosure is objected to because of the following informalities: Page 9, paragraph 72, line 4 contains a syntax error. The examiner suggests inserting --be-- before the word "strong".

Appropriate correction is required.

Claim Objections

7. Claim 1 is objected to because of the following informalities: Lines 1 and 2 contain grammatical errors. The examiner suggests inserting commas (,) after "a release mechanism" and "a manually actuable element". Appropriate correction is required.

8. Claim 8 is objected to because of the following informalities: Claim 8 appears to be missing the word --by-- before the word "control". For the purposes of examination,

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the claim will be treated as being directed to a control pawl retaining said part.

Appropriate correction is required.

9. Claim 9 is objected to because of the following informalities: Claim 9 appears to be missing the word --be-- before the word "moved" in line 3. Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "such as" (line 3) renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Wegner (U.S. Patent No. 6,116,664). Wegner discloses a latch arrangement as claimed; wherein

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said arrangement includes a latch, a release mechanism, a manually actuatable element (3/4) and a control means (10), the latch being operable to releasably retain a striker (1.8) in use, the release mechanism being capable of being moved by the manually actuatable element from a rest position through an unlocked position to a release position where it unlatches the latch, the control means having a locked condition at which actuation of the manually actuatable element does not cause unlatching of the latch and an unlocked condition at which during an initial movement of the manually actuatable element, the release mechanism achieves the unlocked position and during subsequent movement of the manually actuatable element, the release mechanism achieves the unlatch position, see col. 4, lines 42-62. As it concerns claim 2, Wegner's release mechanism includes a release link (1.11) having an abutment (1.26A) operable to move a latch release element (1.27). In regards to claim 3, when Wegner's control means is in the locked position actuation of the manually actuatable element moves the abutment, but the abutment does not move the latch release element, see col. 4, lines 56-62. Regarding claim 4, Wegner's abutment (1.26A) as shown in Fig. 1 is mis-aligned with the release element (1.27) in the rest condition. As it concerns claim 5, Wegner's release link (1.11) is operably movable by release lever, see Fig. 1. In regards to claim 6, Wegner discloses a part (2.6) of the release mechanism that is retained in a rest position by the control means to provide for a locked condition, see col. 4, lines 57-62. As it concerns claim 7, part (2.6) of the release mechanism is retained by magnetic attraction created by electromagnet (2.1). In regards to claim 8, as shown in Fig. 1, said part (2.6) is retained by a control pawl (2.4). In regards to claim 9, said part (2.6) is a lock/unlock lever which is retained in a first position when the control means is in its locked condition and is allowed to be moved to

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a second position when the control means is in its unlocked position, see ghost lines in Fig. 1. Regarding claim 10, Wegner's release mechanism includes a release link (1.11) having an abutment (1.26A) such that the lock/unlock lever (2.6) is connected to the release link by a connector (i.e. the abutment). As it concerns claim 11, the lock/unlock lever, connector and release link substantially move in unison during said in unison during said initial movement of the manually actuable element, see col. 4, lines 46-56. Regarding claim 12, the lock/unlock lever (2.6), connector, and release link rotate about a pivot (1.10) during said initial movement. As it concerns claim 13, Wegner's pivot (1.10) mounts the lock/unlock lever on a chassis of the arrangement. As it concerns claim 14, the lock/unlock lever remains stationary during subsequent movement of the manually actuable element (i.e., after stops (1.26A and 127) come in contact via lock/unlock lever (2.6)). Regarding claims 15-17, Wegner's release mechanism is designed to return to the rest position from the release position upon release of the manually actuable element via springs (1.12), see col. 3, lines 24-25. As it concerns claim 18, Wegner's latch is further movable between a latched and released position by a powered released actuator, see col. 3, lines 48-50. In regards to claim 19, Wegner's control means is movable between the locked and unlocked conditions by manual operation of a coded security device (10.13).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Becker *et al.* (U.S. Patent No. 5,238,274), Priest *et al.* (U.S. Patent No. 5,263,751), Kleefeldt *et al.* (U.S. Patent No. 5,441,315), Baughman *et al.* (U.S.

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Patent No. 5,511,838), Armbruster (U.S. Patent No. 5,765,884), Weyerstall *et al.* (U.S. Patent No. 6,471, 259), Schwaiger (U.S. Patent No. 6,485,071), Hills (U.S. Patent No. 3,798,398), Wang (U.S. Patent No. 3,860,277), Fulks (U.S. Patent No. 4,727,301), Szablewski (U.S. Patent No. 6,419,286), and Fukumoto *et al.* (U.S. Patent No. 5,169,186) substantially disclose the present invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM
January 28, 2003


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600